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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,775	06/05/2001	Ashvinkumar J. Sanghvi	MS1-591US	6246
22801	7590	10/21/2004	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			SIDDIQI, MOHAMMAD A	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 10/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

9/2

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/875,775	SANGHVI ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Mohammad A Siddiqi	2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
 THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 07 September 2004.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-12 and 39-44 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-12 and 39-44 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/07/2004 has been entered.
2. Claims 1-12 and 39-44 are presented for examination. Claims 13-38 and 45 are cancelled.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention

thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1,2,4-12,39-41, 43 and 44 are rejected under 35 U.S.C. 102(e) as being anticipated by Groath et al. (6,571,285) (hereinafter Groath).

5. As per claim 1, Groath discloses an event management system (col 12, lines 33-40) comprising:

A set of event consumers (col 10, lines 2-6), each event consumer being configured to perform an action (notification, col 10, lines 34-39) in response to an occurrence of an event (300, 302, fig 3, col 10, lines 15-19), the set of event consumers including (300, 302, fig 3, col 10, lines 34-39): an email consumer configured to handle email messages (300, 302, fig 3, and 3, col 10, lines 53-63);  
a paging consumer configured to generate a page message messages (300, 302, fig 3, col 10, lines 53-63);  
an active scripting consumer configured to execute at least one script messages (300, 302, fig 3, col 10, lines 53-63);  
a log file consumer configured to record information in a log file messages (300, 302, fig 3, col 11, lines 35-40);

an event log consumer configured (col 10, lines 35-39) to log messages to an event log messages (300, 302, fig 3, col 10, lines 41-63); and a command line (notification action is done via scripts and scripts includes command line arguments, col 10, lines 47-52) consumer configured to launch at least one process (i.e. col 49, lines 20-25, col 53, lines 53-57).

6. As per claim 2, Groath discloses the email consumer is an SMTP consumer (col 140, lines 40-45).

7. As per claim 4, Groath discloses a forwarding consumer to forward events (col 10, lines 34-43).

8. As per claim 5, Groath discloses the email consumer sends an email message in response to receiving an event (col 10, lines 53-63).

9. As per claim 6, Groath discloses the paging consumer will page a telephone number with a message in response to receiving an event (col 10, lines 47-63).

10. As per claim 7, Groath discloses the active scripting consumer executes a predefined script when an event is received by the active scripting consumer (col 10, lines 34-63).
11. As per claim 8, Groath discloses the log file consumer records information to a log file when an event is received by the log file consumer (col 10, lines 26-33).
12. As per claim 9, Groath discloses the event log consumer logs a message to an event log when an event is received by the event log consumer (col 10, lines 26-33).
13. As per claim 10, Groath discloses the command line consumer launches a process in response to receiving an event (col 49, lines 19-25).
14. As per claim 11, Groath discloses events in the event management system are represented as objects (col 119, lines 23-45).
15. As per claim 12, Groath discloses each consumer in the event management system is represented as a class (col 78, lines 5-10).

16. As per claim 39, Groath discloses computer system comprising:

an event provider configured to generate events (col 2, lines 6-24);

an event consumer selected from a set of event consumers (300, 302, fig 3, lines 6-24) the event consumer being configured to perform an action in response to an occurrence of an event generated by the event provider (300, 302, fig 3, col 2, lines 6-24), the set of event consumers including:

an email consumer configured to send at least one email message (300, 302, fig 3, col 10, lines 53-63);

a paging consumer configured to send at least one page message (300, 302, fig 3, col 10, lines 53-63);

an active scripting (300, 302, fig 3, col 9, lines 48-67) consumer configured to execute at least one script (300, 302, fig 3, col 18, lines 65-67);

a log file consumer configured to record information in a log file (300, 302, fig 3, col 10, lines 53-63 and col 11, lines 20-40);

an event log consumer configured to log at least one message to an event log (300, 302, fig 3, col 10, lines 53-63 and col 11, lines 20-40); and

a command line (notification action is done via scripts and scripts includes command line arguments, col 10, lines 47-52) consumer

configured to launch at least one process (i.e. col 49, lines 20-25, col 53, lines 53-57); and

an event filter associated with the selected event consumer (col 12, lines 33-40), the event filter being configured to specify the event (col 12, lines 33-67) and, in response to the occurrence of the event (col 12, lines 33-67), to deliver information about the occurred event to the event consumer (col 12, lines 33-67).

17. As per claim 40, Groath discloses a second event consumer selected from the set of event consumers, wherein the event filter is further configured to deliver information about the occurred event to the second event consumer (300, 302, fig 3, col 12, lines 33-37).

18. As per claim 41, Groath discloses a second event filter associated with the event consumer, wherein the second event filter is configured to specify a second event and, in response to the occurrence of the second event, to deliver information about the occurred second event to the event consumer (fig 31, col 118, lines 1-10).

19. As per claim 43, Groath discloses the event consumer includes an instance of a class (col 4, lines 12-22) associated with an application program (col 116, lines 56-67).

20. As per claim 44, Groath discloses the event filter (col 12, lines 33-67) includes an instance (col 116, lines 56-67) of a class associated with an application program (col 4, lines 12-22).

***Claim Rejections - 35 USC § 103***

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

22. Claim 3 rejected under 35 U.S.C. 103(a) as being unpatentable over Groath et al. (6,571,285) (hereinafter Groath) in view of Murray (Windows NT Event Logging by James D. Murray published on September 1998) (hereinafter "NT event logging services").

23. As per claim 3, while Groath discloses an event manager that is installed on NT operating system (col 83, 48-56), Groath is silent about the event log consumer is an NT event log consumer. However, an NT event log consumer is well known in the art and it is a design preference to use NT event logging or program a customized event consumer. Murray, for example, discloses the event log consumer is an NT event log consumer (Chapter 2, Microsoft API's are available to interface with NT event log service). It would have been obvious to one of ordinary skill in the art at the time invention to combine the teaching of Groath and "NT event logging services" because "NT event logging services" use of windows NT event logging services API 's would provide Groath system a platform dependent event logging.

24. Claim 42 rejected under 35 U.S.C. 103(a) as being unpatentable over Groath et al. (6,571,285) (hereinafter Groath) in view of Network PC System Design Guidelines (version 1.0 b August 5, 1997) (hereinafter "Network PC Article").

25. As per claim 42, Groath discloses wherein the event providers includes, Simple Network Management Protocol (SNMP) provider (col 12, line 60), Event manager installed on NT (col 83, 48-56), event log provider (col

11, lines 35-39). Groath is silent about at least one of Win32 provider, Windows Driver Model (WDM) provider, registry provider, performance counter provider, active directory provider, Windows installer provider. However, Win32 provider, Windows Driver Model (WDM) provider, registry provider, performance counter provider, active directory provider, and Windows installer provider are all well known in the art. For example, Network PC Article discloses at least one of Win32 provider (page 6), Windows Driver Model (WDM) provider (page 6), registry provider (page 18), performance counter provider (page 111), active directory provider (page 111), Windows installer provider (page 130). It would have been obvious to one of ordinary skill in the art at the time invention was made to combine the teaching of Groath and "Network PC Article" because "Network PC Article"'s use of Windows NT component such as Win32 provider, Windows Driver Model (WDM) provider, registry provider, performance counter provider, active directory provider, and Windows installer provider would provide Groath's system reusability of the Windows NT component via well tested API's.

***Response to Arguments***

26. Applicant's arguments filed 09/07/2004 have been fully considered but they are not persuasive, therefore rejections to claims 1-12 and 39-44 is maintained.

27. In the remarks applicants argued that:

- a. Groath fails to disclose a system with the six distinct event consumers recited in Claim 1. Groath also fails to disclose a command line consumer configured to launch at least one process.
- b. The Office Action provides a plan to modify the shell in Groath to resemble the command line consumer recited in Claim 1. Such a modification is nothing more than a hindsight reconstruction using materials in the applicant's application.
- c. Murray does not remedy Groath deficiencies of not disclosing a system with six distinct event consumers.
- d. The Design Guidelines Document fails to disclose the event provider recited in Claim 42.

28. In response to applicant's argument (a), the examiner respectfully disagrees. Groath teaches an email consumer configured to handle email messages (300, 302, fig 3, and 3, col 10, lines 53-63); a paging consumer

configured to generate a page message messages (300, 302, fig 3, col 10, lines 53-63); an active scripting consumer configured to execute at least one script messages (300, 302, fig 3, col 10, lines 53-63); a log file consumer configured to record information in a log file messages (300, 302, fig 3, col 11, lines 35-40); an event log consumer configured to log messages to an event log messages (300, 302, fig 3, col 10, lines 41-63); and a command line (notification action is done via scripts and scripts includes command line arguments, col 10, lines 47-52) consumer configured to launch at least one process (i.e. col 49, lines 20-25, col 53, lines 53-57). Notifier creates integration between the collector and any number of other programs (col 10 lines 47-52) and a command line (notification action is done via scripts and scripts includes command line arguments, col 10, lines 47-52) consumer configured to launch at least one process (i.e. col 49, lines 20-25, col 53, lines 53-57, by definition process is a particular course of action intended to achieve a result and unixremote.pl executes defined steps, shell definition:

(1) The outermost layer of a program. *Shell* is another term for *user interface*. Operating systems and applications sometimes provide an alternative shell to make interaction with the program easier. For example, if the application is usually command driven, the shell might be a menu-driven system that translates the user's selections into the appropriate commands.

(2) Sometimes called *command shell*, a shell is the command processor

interface. The command processor is the program that executes operating system commands. The shell, therefore, is the part of the command processor that accepts commands. After verifying that the commands are valid, the shell sends them to another part of the command processor to be executed).

29. In response to applicant's argument (b), that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

30. In response to applicant's argument (c), the examiner respectfully disagrees. Groath's disclosure can be implemented on wide range of operating systems. The argument is based on the very specific design preference. Murray discloses the event log consumer is an NT event log consumer (Chapter 2, Microsoft API's are available to interface with NT event

log service). It would have been obvious to one of ordinary skill in the art at the time invention to combine the teaching of Groath and "NT event logging services" because "NT event logging services" use of windows NT event logging services API 's would provide Groath system a platform dependent event logging.

31. In response to applicant's argument (d), the examiner respectfully disagrees. Win32 provider, Windows Driver Model (WDM) provider, registry provider, performance counter provider, active directory provider, and Windows installer provider are well known in the art. For example, Network PC Article discloses at least one of Win32 provider (page 6), Windows Driver Model (WDM) provider (page 6), registry provider (page 18), performance counter provider (page 111), active directory provider (page 111), Windows installer provider (page 130). It would have been obvious to one of ordinary skill in the art at the time invention was made to combine the teaching of Groath and "Network PC Article" because "Network PC Article"'s use of Windows NT component such as Win32 provider, Windows Driver Model (WDM) provider, registry provider, performance counter provider, active directory provider, and Windows installer provider would provide Groath's system reusability of the Windows NT component via well tested API's.

***Conclusion***

32. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad A Siddiqi whose telephone number is (703) 305-0353. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MAS

N. El Haely